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SENATE BILL 120

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; PERMITTING RELEASE OF  
INFORMATION PROVIDED BY THE REGISTERED OWNER OF A VEHICLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-2-7.1 NMSA 1978 (being Laws 1995,  
Chapter 135, Section 4, as amended) is amended to read:

"66-2-7.1. MOTOR VEHICLE-RELATED RECORDS--  
CONFIDENTIAL--EXCEPTIONS--OBTAINING PUBLIC INFORMATION.--

A. It is unlawful for [any] a department employee  
or contractor or for [any] a former department employee or  
contractor to disclose to any person other than another  
employee of the department any personal information about an  
individual obtained by the department in connection with a  
driver's license or permit [the titling or registration of a  
vehicle] or an identification card issued by the department

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1 pursuant to the Motor Vehicle Code except:

2 (1) to the individual or the individual's  
3 authorized representative;

4 (2) for use by ~~any~~ a governmental agency,  
5 including ~~any~~ a court, in carrying out its functions or by  
6 ~~any private~~ a person acting on behalf of the government;

7 (3) for use in connection with matters of  
8 motor vehicle and driver safety or theft; motor vehicle  
9 emissions; performance monitoring of motor vehicles, motor  
10 vehicle parts and dealers; motor vehicle market research  
11 activities, including survey research; motor vehicle production  
12 alterations, recalls or advisories; and removal of non-owner  
13 records from original owner records of motor vehicle  
14 manufacturers;

15 (4) for use in research activities and for use  
16 in producing statistical reports, so long as the personal  
17 information is not published, redisclosed or used to contact  
18 individuals;

19 (5) for use by any insurer or insurance  
20 support organization or by a self-insured entity or its agents,  
21 employees or contractors in connection with claims  
22 investigation activities, antifraud activities, rating or  
23 underwriting;

24 (6) for providing notice to owners of towed or  
25 impounded vehicles;

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1 (7) for use by an employer or its agent or  
2 insurer in obtaining or verifying information relating to a  
3 holder of a commercial driver's license;

4 (8) for use by any requester if the requester  
5 demonstrates that it has obtained the written consent of the  
6 individual to whom the information pertains;

7 (9) for use by an insured state-chartered or  
8 federally chartered credit union; an insured state or national  
9 bank; an insured state or federal savings and loan association;  
10 or an insured savings bank, but only:

11 (a) to verify the accuracy of personal  
12 information submitted by an individual to the credit union,  
13 bank, savings and loan association or savings bank; and

14 (b) if the information as submitted is  
15 not correct or is no longer correct, to obtain the correct  
16 information, but only for the purpose of preventing fraud by  
17 pursuing legal remedies against or recovering on a debt or  
18 security interest from the individual;

19 (10) for providing organ donor information as  
20 provided in the Uniform Anatomical Gift Act or in Section  
21 66-5-10 NMSA 1978; or

22 (11) for providing the names and addresses of  
23 all lienholders and owners of record of abandoned vehicles to  
24 storage facilities or wrecker yards for the purpose of  
25 providing notice as required in Section 66-3-121 NMSA 1978.

1                    B. The names and addresses of the registered owners  
2 and the holders of liens on a registered vehicle are public  
3 information and may be obtained by a person from information  
4 provided to the department through vehicle registration or  
5 title documents by presenting the license plate number of the  
6 registered vehicle to the department.

7                    [~~B.—Any~~] C. A person who violates the provisions  
8 of Subsection A of this section is guilty of a misdemeanor and  
9 upon conviction shall be sentenced in accordance with the  
10 provisions of Section 31-19-1 NMSA 1978. "